System of Records Notice (SORN) Basics

DoD FOIA/Privacy Act Training Workshop

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It’s okay to ask why!

Agenda

- Purpose
- Definitions
- Responsibilities
- Types of SORNs
- Guidelines
- Questions

Purpose

- What is a SORN?
- Why is a SORN required?
- What is the purpose of a SORN?

Definitions

Personally Identifiable Information (PII)

- Information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc.

Definitions

Record

- Collection/grouping of information about an individual that's maintained by a DoD Component

System of Records

- Group of Records
- Under the control of a DoD Component
- *Retrieved* by name, SSN, or other personal identifier

Definitions

System of Records Notice (SORN)

- Notifies the public (i.e. individuals) of the authorization to collect and use of PII
- Published in the Federal Register for 30 days before collection may begin
- Used as a tool to augment training

NOTE: *Notify OMB & Congress 40 days before collection begins (runs concurrent with FR 30-day publication)*

Responsibilities

DoD Component Offices

- Execute the DoD Privacy Program
- Work in collaboration with system managers
- Ensure that:
  - Privacy Act records are properly described
  - Undeclared systems of records are identified
  - Privacy Act Statements/ Privacy Act Advisories are provided
  - Biennial SORN reviews and updates are completed

Responsibilities

DoD Component Offices

- Also ensure that:
  - New SORNs and updates are submitted to the Defense Privacy and Civil Liberties Office
  - Appropriate procedures and safeguards are implemented for all systems maintained under their purview
  - All personnel with access to each system are aware of their responsibilities under the Privacy Act

Types of SORNs

Addition

- New system of records

Alteration

- Significant changes to an existing system of records

Amendment

- Minor/administrative changes to a system of records

Deletion

- Due to decommissioned system or covered under another notice

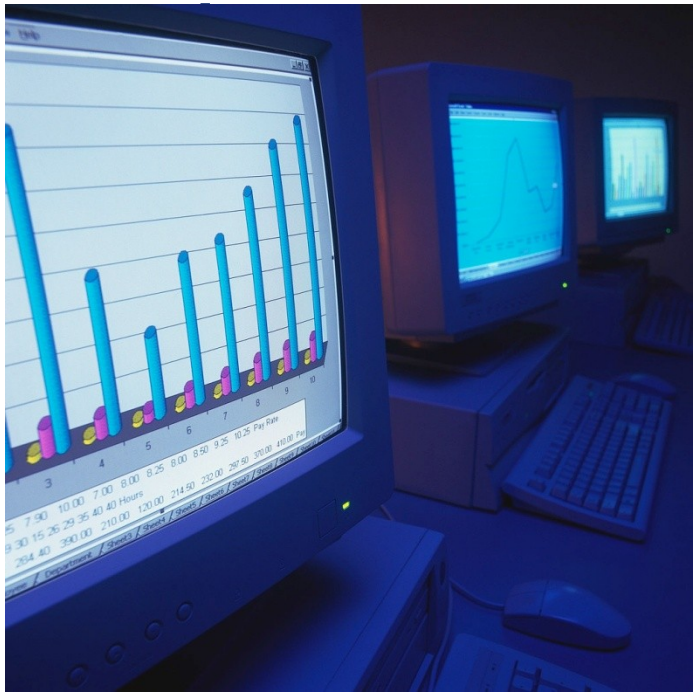
18 Required SORN Categories

1. System identifier
2. System name
3. System location
4. Categories of individuals covered by the system
5. Categories of records in the system
6. Authority for maintenance of the system
7. Purpose(s)
8. Routine uses
9. Storage
10. Retrievability
11. Safeguards
12. Retention and disposal
13. System manager(s) and address
14. Notification procedures
15. Record access procedures
16. Contesting record procedures
17. Record source categories
18. Exemptions claimed for the system

SORN Categories

1. System identifier

The Component Privacy Office assigns the notice



Example:

A0600-63 G3/5/7

The letter “A” indicates “Army,” under the Department of the Army; number “0600-63 G3/5/7” represents the publication series number related to the subject matter.

SORN Categories

2. **System name**

   Should identify the system's general purpose. This field is limited to 55 characters.

NOTE: *Be careful with acronyms and abbreviations, e.g., National Aeronautics and Space Administration (NASA), or Social Security Number (SSN)*

SORN Categories

3. System location

- The complete mailing address of each location where the record system is maintained must appear in this caption.
- Spell out office names.
- For geographically or organizationally decentralized system locations, “indicate that the official mailing addresses are published as an appendix to the Component's compilation of system of records notices”.
- Do not use office symbols, web links, or PO boxes.

Example:

Office of the Secretary of Defense
Director of Readiness,
Programming and Assessment
4000 Defense Pentagon
Washington, DC 20301-4000

SORN Categories

4. **Categories of individuals covered by the system**

Identify in clear, non-technical terms.

- Individuals are:
  - living persons who are citizens of the U.S., and/or aliens lawfully admitted for permanent residence.
  - Corporations, partnerships, sole proprietorships, professional groups, businesses, and other commercial entities are not "individuals".
- Avoid using broad descriptions like "all DoD personnel" unless that is truly accurate.

  Example: "DoD civilian employees; contractors; Active Duty services personnel; and civilian employees from other federal agencies"
- Do NOT use "may include…" or "but not limited to…"

SORN Categories

5. Categories of records in the system

Describe in clear plain language, all categories of records and items of PII in the system.

- Do not identify source documents used to collect data.
- Provide the public with detailed information about the PII contained in the SORN.
- If your SORN covers a database, print out the data elements to verify the PII and records maintained.
- Do not use overly broad terms or identify forms unless accompanied by a brief explanation.
- Do not use “may include…” or “but not limited to…”; these are too broad.

SORN Categories

6. Authority for maintenance of the system

- Cite the DoD directive/instruction or Departmental Regulation(s) authorizing Privacy Act system of records.
- A Federal law or Executive Order of the President must authorize the collection and maintenance of a system of records.
- Always include titles with citations.
- When a system collects SSNs, cite *E. O. 9397 (SSN), as amended*.

NOTE: *Can no longer be the sole authority for collecting SSNs*

SORN Categories

7. **Purpose(s)**

   List the specific purposes for establishing and maintaining the system of records by your activity.

Example:

"The purpose of the system of records is to provide a single central facility within the Department of Defense to assess manpower trends, support personnel and readiness functions, to perform longitudinal statistical analyses, identify current and former DoD civilian and military personnel for purposes of detecting fraud and abuse of pay and benefit programs. Also used as a management tool for statistical analysis, tracking, reporting evaluating program effectiveness and conducting resear

SORN Categories

8. Routine Use(s)

- List all non-DoD agencies and entities including private sector entities that will routinely provide access to the data or be given the data upon request.
- List the specific activity or element within the agency/entity to which the record may be disclosed, e.g. *"To the Veterans Administration" or "To State and local health agencies".*
- For each routine use identified, include a statement regarding the purpose or purposes for which the record is to be released.
  - Do NOT use general statements, such as "To other federal agencies as required" or "To any other appropriate federal agency."
  - ***A good example of a purpose statement:*** *To the Department of Veterans Affairs for the purpose of using the information in benefit determinations.*

SORN Categories

9. Storage

State the medium in which the records are maintained.

Example:

"Maintained in paper files and on electronic storage media"

SORN Categories

10. Retrieval

- State how the agency retrieves the records.
- Any PII listed in this section must be included in the categories of records

Example:

"Name and Social Security Number (SSN)"

SORN Categories

11. Safeguards

- Identify the system safeguards.
- Describe safeguards fully without compromising system security.
- Describe the facility/building safeguards, then the room, then the computer/file cabinet.
- Indicate the types of personnel that have access to the information.

Example:

"Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) with an official "need to-know" who are responsible for servicing the record in performance of their official duties. Persons are properly screened and cleared for access. Access to computerized data is role-based and further restricted by passwords, which are changed periodically."

SORN Categories

12. Retention and Disposal

- Use National Archives and Records Administration (NARA) approved disposition. http://www.archives.gov/
  - State destruction method as needed (e.g., shredding, burning, etc.)
  - Destroy in such a way as to render the records unusable.

  NOTE: We realize not all agencies state how records are destroyed in their approved NARA disposition.

- If your activity **sent** a proposed records schedule to NARA for approval, the following can be used until the Agency receives an approved disposition:
  - *Disposition pending, treat records as permanent until the National Archives and Records Administration has approved the retention and disposition schedule.*

SORN Categories

13. System manager(s) and address

- List the position title and duty address of the system manager.
- Please do not include names or phone numbers.

Example: *Policy Official, Commander, Military Service Base, 1234 Virginia Ave, Virginia Beach, VA 23667-1234*

SORN Categories

14. Notification procedures

uld read as follows:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Office of Personnel,1234 Virginia Ave, Virginia Beach, VA XXXXX-XXXX.

- Specify the information the requester must submit, e.g., *"Written request must include full name, military status, Social Security Number (SSN), and date of birth."*

SORN Categories

15. Records access procedures

- The entry should read as follows “Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office, Defense Component Agency, XXX MacDill Lane, Washington DC XXXXX-XXXX.

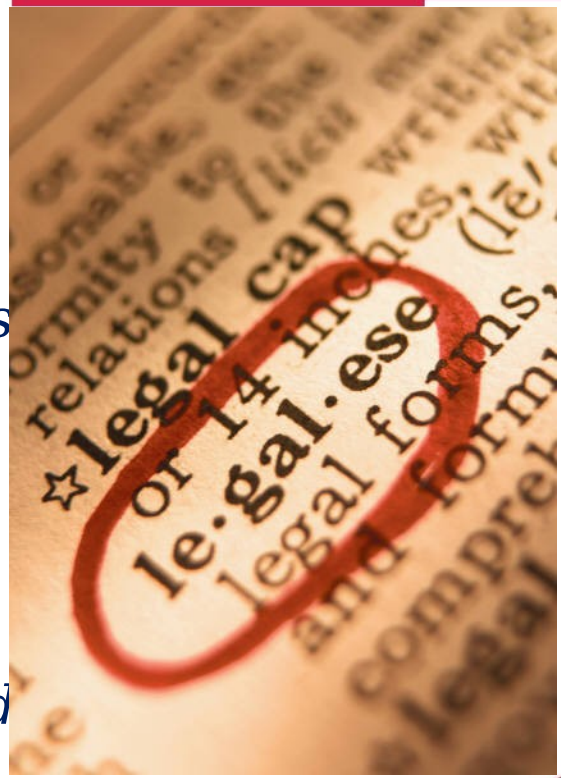
- Specify the information the requester must submit, e.g., *“Written request must include full name, military status, Social Security Number (SSN), and date of birth.”*

NOTE: *Make sure there is no exemption that would preclude you from providing information to the individual.*

SORN Categories

16. Contesting records procedures

- The standard language to use is *"The DoD Component Name rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in DoD Component Regulation; XX CFR part 222; or may be obtained from the system manager."*



SORN Categories

17. Record source categories

- Show categories of individuals or other information sources for the system.
- Describe where the information maintained in the system is obtained from (source documents and other agencies).
- Describe the record sources in general terms, e.g., *"From individuals, DoD records, and law enforcement agencies."*

Note: *If your source pertains to the medical field, you may require a HIPAA statement.*

SORN Categories

18. Exemptions claimed for the system

- Privacy Act of 1974, Exemptions
  - Access (section 552a(d)(5) of U.S.C.)
  - General (section 552a(j))
  - Specific exemptions (section 552(k))

Nothing in the Privacy Act permits exemption of any system from all provisions of the Act.

NOTE: *If no exemption has been established for the system, indicate "**None.**"*

Reminders

- Remember the audience
  - Write in a manner the general public understands.
  - Put yourself in the reader's shoes.
- Correct simple errors
  - Spell check.
  - Check format.
- Acronym use
  - Spell out acronyms the first time.
  - Cite legal authorities and titles.
    - DoD Regulations, Statutes, *E.O. 9397 (SSN), as amended*

Resources

1. Privacy Act of 1974
2. DoDD 5400.11, Directive
3. DoD 5400.11-R, DoD Privacy Program
4. OMB Circular No. A-130 Revised, Management of Federal Information Resources
5. Appendix I to OMB Circular No. A-130, Federal Agency Responsibilities for Maintaining Records About Individuals
6. Section 208- E-Gov Act

http://dpclo.defense.gov/

QUESTIONS?